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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,411	12/20/2000	Andrzej Partyka	A. Partyka 20	6314

7590 11/01/2005
Andrzej Partyka
370 Finch Lane
Bedminster, NJ 07921

EXAMINER

TRAN, KHANH C

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/741,411		PARTYKA, ANDRZEJ	
	Examiner		Art Unit	
	Khanh Tran		2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/20/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed on 08/08/2005 has been entered. Claims 1-20 are pending in this Office action.

Response to Arguments

2. Applicant's arguments, see pages 5-11 of the Amendment, filed on 08/08/2005, with respect to the rejection(s) of claim(s) 15-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bell U.S. Patent 5,852,409 in view of Minarik et al. U.S. Patent 6,028,885.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Issa et al. U.S. Patent 5,914,667.

Regarding claim 15, in column 2 lines 50-65, Issa et al. invention is an alarm system having at least one remote-control transmitter and an alarm controller receiving commands from a remote-control transmitter.

In column 5, lines 40-65, Issa et al. teaches that an alternate embodiment or method of scrambling the fixed and hopping codes is to transmit from the encoded transmitter both the code scrambling algorithm/the format word and the code word, which contains a fixed code word and a hopping code word, during the transmitter learn routine. These transmitters are unique from transmitter to transmitter. The total number of bits within a code word can vary from transmitter to transmitter.

In column 9, lines 10-35, the operation of the conventional, scrambled/interlaced, code hopping remote-control transmitter 25 is flow charted in FIG. 3. Each time a switch (not shown) of remote-control transmitter 25 is depressed and/or otherwise activated, a new hopping code is generated by performing the predetermined hopping algorithm stored within remote-control transmitter 25. In other embodiments, the predetermined hopping algorithm is a look-up table containing a series of binary words. In light of the foregoing, because the transmitter is only operated via depressing the switch, the transmitter transmits the signal intermittently. The predetermined hopping algorithm being a look-up table corresponds to the claimed logic for providing a predetermined frequency-time pattern.

In column 8, line 50-67, the remote-control transmitter 25 and controller 35 have access to a format word, which defines the location of fixed and hopping bits of the particular remote-control transmitter 25. In this embodiment, the hopping algorithm and

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the format word must be known at all times by both the encoder (not shown) of remote-control transmitter 25 and controller 35. This is necessary because the encoder sends a hopping word, which is modified by the hopping algorithm n-times, wherein the hopping algorithm modifies the previous hopping word of the last transmission cycle from remote-control transmitter 25 every time remote-control transmitter 25 transmits a code word to controller 35. In light of the foregoing disclosure, the teachings address the claimed limitation "*the transmitter is for varying encryption, based at least in part on the frequency-time pattern*".

Regarding claim 16, as recited in claim 15, the predetermined hopping algorithm is a look-up table containing a series of binary words.

Regarding claim 17, in column 3, lines 45-67, Issa et al. further teaches that the remote-control transmitter transmits to a controller its format word and its initial code word for the controller to learn the format word, the initial hopping code and identification code for subsequent operation there-between. As also recited in claim 15, the predetermined hopping algorithm is a look-up table containing a series of binary words. In view of that the predetermined hopping algorithm is associated with the transmitter's identification code.

Regarding claim 18, claim 18 is rejected on the same ground as for claim 15 because of similar scope. Furthermore, in column 4 line 45 via column 5 line 10,

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scrambled code hopping follows all the principles of *conventional code hopping* plus it *scrambles or interlaces the fixed codes and the hopping codes* to construct the code word. Thus, fixed bits of the fixed word and hopping bits of the hopping word are desegregated from their respective words and are intertwined or mixed or scrambled to construct a scrambled code word. In light of the foregoing, the means for conventional code hopping corresponds to the claimed modifier performing modification on the transmitted data based on the predetermined hopping algorithm, which is a look-up table in one of the embodiments.

Regarding claim 19, claim 19 is rejected on the same ground as for claim 16 because of similar scope.

Regarding claim 20, claim 20 is rejected on the same ground as for claim 17 because of similar scope.

Allowable Subject Matter

4. Claims 1-7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, claim 1 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a method of

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authentication in a telemetry system, the method comprising "holding, by a receiver, simultaneously for each of said plurality of transmitters, data indicative of an expected frequency and an expected time of at least one future transmission" and "authenticating transmissions based on an expected and actual transmission frequency and time".

5. Claims 8-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, claim 8 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a receiver for authenticating telemetry transmission, the receiver comprising "logic for holding simultaneously for each of said plurality of transmitters, data indicative of an expected frequency and an expected time of at least one future transmission" and "authenticating transmissions based on an expected and actual transmission frequency and time".

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bell U.S. Patent 5,852,409 discloses "Telemetry".

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT

Khanh Cong Tran

10/27/2005

Examiner KHANH TRAN